

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Albert Floyd Jelks and Bettie Mack-Jelks,

Plaintiffs,

v.

United States of America,

Defendant.

C/A No.: 3:12-cv-3451-JFA

ORDER

Plaintiffs Albert Floyd Jelks and Bettie Mack-Jelks, proceeding *pro se*, bring the above-captioned case pursuant to the Federal Tort Claims Act, 28 U.S.C. §§ 2671–80 (FTCA). Plaintiffs' claims relate to alleged medical malpractice at the Veterans Affairs Hospital in Columbia, South Carolina. This matter is before the court on the Magistrate Judge's Report and Recommendation¹ that the court terminate plaintiff Bettie Mack-Jelks as a party to this case and dismiss the claims pertaining to her for failure to exhaust her administrative remedies prior to filing suit. *See* ECF No. 18. The Report and Recommendation sets forth the relevant facts and standards of law on this matter, and the court incorporates such without a recitation.

Plaintiffs were advised of their right to file objections to the Report and Recommendation, which was mailed to plaintiffs on March 28, 2013. However, plaintiffs did not file any objections. In the absence of specific objections to the Report of the Magistrate

¹ The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report to which specific objection is made and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

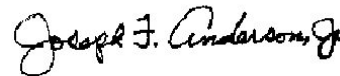
Judge, this court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

After carefully reviewing the applicable laws, the record in this case, and the Report and Recommendation, this court finds the Magistrate Judge's recommendation fairly and accurately summarizes the facts and applies the correct principles of law. The Report is incorporated herein by reference in its entirety.

Accordingly, the court dismisses the claims of plaintiff Bettie Mack-Jelks without prejudice. The clerk is instructed to terminate this plaintiff as a party to this case.

IT IS SO ORDERED.

May 15, 2013
Columbia, South Carolina

A handwritten signature in black ink that reads "Joseph F. Anderson, Jr." in a cursive script.

Joseph F. Anderson, Jr.
United States District Judge